

**SUPERSEDES**

CS 201.2, Case Opening Letter, May 5, 1998

**REFERENCES**

MCA 40-5-202(1), 40-5-203(1) and (2), 40-5-205, 40-5-412(4), and 40-5-909(2) through (5)

**Policy**

**Purpose of Case Opening Letter**

When a case is opened or reopened the CSSD sends a case opening letter to the obligee and the obligor or alleged father (AF). Generally, this letter serves four purposes: 1) it satisfies various notice requirements to the participant; 2) it extends a courtesy to the participant by confirming the initiation of a CSSD case, providing the case number needed for inquiries to the CSSD's Voice Response Unit or regional office, and explaining how the case will be processed; 3) it requests the participant's assistance in obtaining and maintaining necessary information during the progress of the case; and 4) it explains the CSSD will take action in the case either directly or by requesting the assistance of another state.

Except as noted in the next paragraph, the case opening letter is mandatory. The same letter is used regardless of the participant's role in the case, how the case was initiated (direct application or agency/other state referral), where the participant resides, whether the case will be referred to another state, and the activity in which the case was opened (locate, paternity, establishment, enforcement).

The case opening letter is used only at case opening or reopening; it is not sent again with the start of continued services. Continued services, refers to when a public assistance case becomes a non-public assistance case.

**Exception for Incoming Interstate**

The obligee in an incoming interstate referral does not receive a case opening letter. Instead, the CSSD sends an Acknowledgment of Interstate Referral to the initiating state.

**Notices**

The case opening letter contains the following notices. These notices are required by or are needed for the fair application of federal or state regulation or law:

- 1) Payments through the CSSD (MCA 40-5-412 and 40-5-909). The letter explains that all payments must be made through the CSSD, and that the CSSD will not allow credit for payments made directly to any person or agency other than the CSSD.

EXCEPTION: If the support order was not issued in Montana, and names a specific payee other than the obligee e.g., a court or the IV-D agency of another state, the paying parent must send payments to the payee named in the order (PIQ 01-01). See section CS 503.4 Redirecting Support Payments for further explanation and procedures.

- 2) Offset fees (45 CFR 303.72 (i) and 303.102(f)). The letter lists the amounts currently charged to the CSSD and passed on to the non-public assistance obligee for offset of (a) federal income tax refunds, (b) other federal payments to the obligor, and (c) Montana income tax refunds or other Montana payments to the obligor; it also tells the participant how to obtain updated fee amounts in future years.

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- 3) Social security numbers (CSSD Legal Bureau directive; numerous provisions of the federal Social Security Act implementing tax offsets, voluntary paternity acknowledgment, central case registry, new hire reporting, parent locator service, and other child support tools). The letter explains the participant is not required to provide his or her social security number unless ordered to do so.
- 4) Safeguarding/disclosing information (MCA 40-5-206(6)). The letter informs the participant that his or her address or other whereabouts information may be released when required for child support enforcement purposes, unless the participant provides a reason not to disclose it.
- 5) Complaint process (45 CFR 303.35). The letter gives the address for complaint resolution, and the limits of CSSD authority.
- 6) Children's Health Insurance Program (CHIP) (MCA 40-5-806(5)). The letter summarizes eligibility for and benefits of Montana's CHIP, and lists the locations where applications are available.
- 7) Equal agency services (federal laws establishing civil, rehabilitation, and disability rights). The letter includes a statement affirming the state's non-discrimination policy and practices.

#### Procedures for Regional Staff

1. Sending Case Opening letter. In conjunction with the opening or reopening of a CSSD case, prepares and sends to the obligor/AF and the obligee by regular mail form CS-201.1C, Case Opening Letter, following special instructions in steps 1.a through 1.c below if applicable.

#### NOTE:

**SEARCHS Generation.** Generation of this form on SEARCHS automatically produces two copies of the letter, one addressed to the obligee, one addressed to the obligor/AF. If necessary, in 1.a through 1.c below, the user may omit either of the letters by selecting the corresponding document generation option.

- a. If the obligor/AF is not located, follows instructions in step 2. for the obligor/AF letter.
  - b. If the case is an incoming interstate referral, omits the letter to the obligee and follows regular procedures for sending the Acknowledgment of Interstate Referral to the initiating state.
  - c. In a paternity case involving multiple alleged fathers, generates and sends one letter to each alleged father. In the letter to the obligee, issues multiple letters to the obligee, each listing one alleged father.
2. Unlocated Obligor/AF. If the obligor/AF is unlocated, evaluates the available address information and proceeds in step 2.a or 2.b below as applicable:
    - a. If there is a reasonable chance the letter can be delivered, sends the letter to the obligor/AF in step 1.a and monitors for presumed delivery. If the letter is returned undelivered, proceeds with locate efforts and repeats this step 2.a for the obligor/AF when a better address is obtained.

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- b. If address information is completely lacking or is known to be incorrect, proceeds with locate efforts, delaying action on the case opening letter to the obligor/AF until further information is obtained.
3. Coordination with Paternity Procedures. In a paternity case coordinates the mailing of the case opening letter to the alleged father with the Notification of Paternity Claim sent in section CS 601.3. The two documents may be sent in the same envelope only if the envelope is marked "Personal and Confidential" as required in section CS 601.3 Notification of Paternity Claim.

**NOTE:**

**The case opening letter does not replace, nor is it replaced by,** the Notification of Paternity Claim; the two documents serve different purposes, and both are required.

4. Redirecting Payments. If at the time of case opening or reopening the obligor is subject to a support order that directs the obligor to send payments to a Montana Clerk of Court, follows procedures in section CS 503.4 to redirect payments received by the clerk of court to the CSSD.

**NOTE:**

**Notifying the Obligor and Employer.** In cases where the order was issued in Montana, or where the order names the obligee as the payee or fails to name any payee, the CSSD notifies the obligor and any employer to make payments directly to the CSSD. In this situation the request to the Montana clerk of court is used to catch any payments sent to the clerk of court despite these notifications. In cases where the non-Montana support order names a payee other than the obligee, direct payment by the obligor or employer to the CSSD does not apply--see section CS 503.4 for procedures in these situations.